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Chairman: Mr. ESCOVAR SALOM (Venezuela)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 150: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/51/33 and A/51/317)

1. Mr. THAHIM (Pakistan) welcomed the fact that the sessions of the Special Committee would in future be open to all States Members of the United Nations, thus ensuring not only transparency in the consideration of issues but also widespread participation in the Special Committee's work.

2. In that context it was also essential to ensure transparency in the work of United Nations organs and in particular in consultations in the Security Council. There was a growing realization of the need to increase the number of non-permanent members of the Security Council in view of the substantial increase in the membership of the Organization, particularly among small and medium-sized States. His country was, however, opposed to any expansion of the permanent membership of the Security Council, since that would run counter to the fundamental principle of the sovereign equality of States. Such expansion would, in fact, merely serve to accommodate the interests of a few States and alienate the small and medium-sized States which constituted an overwhelming majority in the General Assembly.

3. The Security Council should consult the Member States that were not represented in its meetings, particularly those likely to be affected by its decisions, and should establish arrangements to enable it to take more effective account of their views. The Member States represented in the Security Council should be fully conversant with the concerns of the majority of the States that were not represented in its meetings. In that context, his delegation wished to insist on the need to consult third States affected by the application of sanctions under Chapter VII of the Charter. The work of the Special Committee should provide a means of establishing a comprehensive system-wide mechanism in order to assist third States to address the economic difficulties arising from the imposition of sanctions under Article 50 of the Charter.

4. His delegation supported the deletion of the "enemy States" clauses from Articles 53, 77 and 107 of the Charter, which were no longer relevant.

5. Noting the proposal concerning the settlement of disputes, he pointed out that if Member States failed to abide by the principles of the United Nations as set forth in its resolutions, or to implement them, the Organization's credibility would suffer internationally.

6. With reference to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, his delegation, while mindful of the difficulties inherent in their preparation, considered that their publication was a matter of the utmost importance and that Member States should be kept informed of any difficulties connected with their preparation and should have access to those documents on the Internet. The Secretariat should therefore make a start on bringing them up to date as a means of priority.

7. His delegation welcomed the Special Committee's decision to remain in contact with the various working groups that were deliberating on issues similar to those falling within its mandate, commended the useful work it had done on the future of the Trusteeship Council and called on it to continue its consideration of that matter at future sessions.

8. Mr. AL-ADHAMI (Iraq), referring to the report of the Special Committee, observed in connection with chapter III, concerning the maintenance of international peace and security, that the working paper submitted by the Russian Federation contained many positive elements. That paper, which mainly concerned the sanctions regime and its humanitarian dimension, was consistent with the provisions of the Charter and thus disregarded all political considerations and selfish interests. It did not, however, address certain fundamental problems, such as how sanctions could be applied in a manner fully consistent with the spirit of the Charter.

9. In the view of his delegation, it was impossible to attain that objective in the absence of an impartial legal mechanism; in that context, the body best able to play such a role was the International Court of Justice.

10. The revised proposal submitted by the Libyan Arab Jamahiriya on the matter also contained positive elements, particularly paragraph 5, which dealt with the negative effects of the rule on the unanimity among the permanent members of the Security Council in decision-making, limitation of the use of the rule, questions in the consideration of which the rule should be suspended, and the non-application and final repeal of the rule.

11. Referring to chapter IV, concerning the peaceful settlement of disputes between States, his delegation had no firm view on the proposal made by Sierra Leone concerning the creation of a mechanism to assist in the settlement of disputes. However, it questioned the need for such a mechanism; many international instruments already addressed that issue and the problems were due more to a failure of political will on the part of the international community than to a lack of such instruments.

12. Mrs. CUETO MILIAN (Cuba) welcomed the fact that the Special Committee was now open to all States Members of the United Nations. Although the report of the Secretary-General (A/51/317) and General Assembly resolution 50/51 - which were the outcome of four years' consideration by the Special Committee of the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter - were a move in the right direction, they were no more than a starting point in the context of the formidable task entrusted to the Special Committee. Countries directly affected or third States threatened by the application of sanctions wished the problem to be viewed in a more global perspective to enable both questions of procedure and substantive issues to be addressed.

13. With respect to the very idea of the application of sanctions, her country maintained that the Security Council should resort to such measures only where there was an actual threat to international peace and security. Furthermore, the purpose of sanctions should be to contribute to a lasting political

resolution of the conflict in question and to reflect the interests of the international community and not those of a single country or group of countries. Account should also be taken of the political and human cost that sanctions would impose on the civilian populations of the countries affected. Furthermore, sanctions should not have the ulterior objective of adversely affecting third States. For that reason, in accordance with Article 50 of the Charter, her delegation considered that the Security Council had an obligation to find solutions to special economic problems confronting such States and arising from the sanctions it had approved. As the Security Council was the organ that took the decisions to impose sanctions, it could not transfer that responsibility to other actors on the international scene or to international financial institutions.

14. Referring to the idea expressed by certain delegations that the Special Committee's work should be given a new orientation in order to enhance its importance, her delegation took the view that, for example, consideration of the criteria for the imposition or lifting of sanctions, especially a legal criteria, and the concept of the "humanitarian limits" of sanctions, might indeed be included in the mandate of the Special Committee. Moreover, the Special Committee had a potentially important role to play as technical adviser to working groups of the General Assembly which, in one way or another, might have to reflect in the course of their work on the letter and spirit of the Charter, but without interfering in the mandate of such groups.

15. Her delegation reaffirmed its intention to submit to the Special Committee at its next session a new revised version of the working paper that it had originally submitted in 1995, incorporating the outcome of negotiations by the working groups of the General Assembly on the restructuring of the Organization, particularly the strengthening of the work of the General Assembly and the reform of the Security Council.

16. With respect to the Trusteeship Council, her delegation agreed with the delegation of Malta that there was no overriding need to abolish the mandate of that organ, particularly in the context of an isolated reform process. In any event, it was an inactive body and had no actual impact on the financial crisis facing the Organization, the true causes of which were a matter of public knowledge. It would therefore be rash to propose the replacement of the Trusteeship Council by a new organ without assessing all the political and financial implications of such a decision.

17. With regard to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, she considered that the publication of such works at regular intervals, would contribute to transparency, oblige United Nations organs to be accountable for their activities and provide a means of preserving the institutional memory of the Organization. However, any action to reduce the backlog in their publication should be carried out within the limits of existing resources. Furthermore, their publication should be financed with the assistance of external resources without imposing any additional burden on the Organization.

18. Lastly, her delegation considered that it would be in the interest of the Special Committee to make a judicious selection of the various matters to be

included in its work programme and that instead of considering shortening its sessions or randomly deleting items from its agenda, it would be appropriate to take a pragmatic, realistic and impartial view of the Special Committee's future.

19. Mr. OBEIDAT (Jordan) said that the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter was becoming increasingly serious; General Assembly resolution 50/51 and the report of the Secretary-General (A/51/317) helped to provide solutions in that area. The resolution was a step in the right direction and deserved continued support. In reviewing requests for assistance submitted by the third States in question, the relevant provisions of the Charter should be interpreted and applied in accordance with the letter and spirit which had prevailed when they had been drafted.

20. The provisions of the Charter, in particular Articles 49 and 50, formed an excellent basis for establishing a permanent mechanism with a view to assisting those States and enabling them to enjoy the rights guaranteed to them under the Charter.

21. His delegation believed that, within the context of such a mechanism, all third States affected or liable to be affected by the imposition of sanctions should be included in the decision-making. Consideration should be given to all means which would make it possible to provide short- or long-term assistance to such countries and to share responsibilities in order to avoid penalizing certain States because of their geographical proximity or their economic relations with the State on which sanctions were imposed. In seeking solutions, the role of the principal organs of the United Nations, in particular the General Assembly and the Economic and Social Council, and the international financial institutions must be stressed. It was unquestionably the responsibility of the Security Council to find effective solutions to the special economic difficulties of third States which consulted it in that connection, since it was the organ which decided the imposition of sanctions. His delegation believed that a working group should be established to study all proposals in that regard, in particular those contained in the report of the Secretary-General (A/50/361) and in his Agenda for Peace.

22. Judging from its exhaustive consideration of the question of the implementation of the provisions of the Charter concerning third States, it must be concluded that the Special Committee was the most appropriate organ to establish the necessary legal framework for the solution of the problem, in accordance with its mandate, particularly since, in future, it would be open to all States Members of the Organization.

23. Lastly, in view of the ever-greater impact of increased recourse to sanctions, Jordan congratulated the Russian Federation on the very thorough working paper it had submitted, which should be carefully reviewed.

24. Mr. SHAH (India), referring to the question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter, said

that, at its most recent session, the Special Committee on the Charter had invited the Sixth Committee to consider during the current session the question of an organizational framework for addressing further the implementation of the provisions of the Charter relating to assistance to third States. That task should therefore be undertaken on a priority basis.

25. Unfortunately, the report of the Secretary-General on Article 50 (A/51/317) had not been issued in sufficient time to allow for an in-depth analysis of the questions it raised. It seemed, however, that it was but a limited response to the requests formulated in resolution 50/51, which, moreover, was merely procedural in nature. Nonetheless, it would be preferable if the Secretariat assisted Member States in determining the best way to fulfil the commitment undertaken in Article 50 of the Charter. The most desirable solution would be to establish a permanent mechanism within the United Nations which would function automatically whenever States felt the impact of sanctions imposed on other States. The mechanism should be provided with the necessary financial resources from the assessed contributions of Member States. In addition, the Sixth Committee should establish an open-ended working group to examine on a priority basis the question of the impact of sanctions on third States. The Committee should give a similar mandate to the Special Committee in case the former working group was unable to conclude its work during the current session.

26. His delegation would follow closely any debate on the proposed establishment of a dispute settlement service, but believed that it was extremely important to avoid the risk of duplication with existing mechanisms.

27. The Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council were vital references and should continue to be published and updated within the context of available resources.

28. The role of the Trusteeship Council was too important an issue to be dealt with from a purely legal angle by the Special Committee. All Member States should be consulted on that topic.

29. Lastly, his delegation was agreeable to giving more in-depth consideration to the draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions, submitted by the Russian Federation. It wished to point out that similar work had already been initiated by the Special Committee on Peacekeeping Operations (Committee of 34), which was perhaps more competent to handle it effectively.

30. Ms. WILMSHURST (United Kingdom), referring to the future of the Special Committee on the Charter, said that the Sixth Committee should not perpetuate its mandate without any changes. Its programme of work was very light and could be handled just as well, if not better, by the Sixth Committee itself. At the previous session, the United Kingdom had already proposed biennializing the sessions of the Special Committee. Another solution would be to reduce the length of the session to one week. In any case, it was an important question on which other delegations should express their views.

31. Concerning the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, the difficulties confronting

the Legal Counsel and certain departments under financial constraints should be taken into account. In that context, a number of proposals had been put forward during the previous session which did not require additional resources. Her delegation was fully prepared to discuss with the Legal Counsel and other interested delegations ways and means to enable the hard-pressed Office of Legal Affairs to carry out that valuable work.

32. Mr. SYARGEEU (Belarus), recognizing that the problem of the impact of sanctions on third States must be considered urgently, said that resolution 50/51 was a positive element but that it must be viewed as a point of departure in seeking more concrete mechanisms to assist third States. Moreover, as the resolution was merely procedural in nature, the Sixth Committee must go beyond it. The implementation of the proposals formulated by the Secretary-General in his report on the question (A/51/317) should make it possible to assist third States without weakening the impact of sanctions in the process. In addition, the United Nations sanctions committees and organizations should now take a more flexible approach. All the consequences which a sanctions regime was likely to entail must also be assessed; in that context, his delegation supported the idea of a mechanism for consultations with third States. Lastly, questions relating to partial compensation in the form of bilateral assistance should be considered.

33. Concerning the future of the Trusteeship Council, Belarus supported the proposal made by the working group on that question in the report of the Secretary-General (A/50/1011).

34. As for peacekeeping and international security, the Special Committee could continue its work on the development of cooperation between United Nations agencies and regional organizations.

35. Lastly, his delegation supported efforts to publish and update the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council at the earliest possible date.

36. Ms. BOUM (Cameroon) said that her delegation had always openly supported a more ambitious mandate for the Special Committee on the Charter. It was for that Committee, and not the working groups established by the General Assembly, to examine as a matter of priority the various aspects of the reform of the United Nations. However, it would not be appropriate to prolong the existence of the Special Committee artificially by seeking at all costs to give it new tasks; the Committee's mandate should be renewed only if that was justified.

37. As for the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII, attention should be paid to the claims of third States and responsibility for the resolution of their difficulties lay with the Security Council. Her delegation therefore welcomed the adoption of General Assembly resolution 50/51 and the report (A/51/317) submitted by the Secretary-General pursuant to paragraph 4 of that resolution. The working paper produced by the Russian Federation could be of great assistance in finding a durable solution to that problem.

38. The Sierra Leone proposal for the establishment of a dispute settlement service placed appropriate emphasis on the need to continue considering ways of inducing parties to a dispute to resolve it peacefully; however, the proposal concerned an area already covered by the provisions of the Charter and numerous international legal instruments.

39. As for the Trusteeship Council, more detailed consideration should be given to the proposals made regarding its future.

40. Lastly, her delegation welcomed the fact that, for the first time, all Member States had participated on an equal basis in the session of the Special Committee, in a development in keeping with the efforts to make the functioning of the Organization more transparent and democratic.

41. Mr. BELLOUKI (Morocco) said that the international community should try to find appropriate solutions to the problems of third States affected by sanctions, both to preserve those States' legitimate interests and to maintain the effectiveness of sanctions regimes. The document presented by the sanctions subgroup was a step in the right direction, but it would be necessary to go further, beyond the provisions of Article 50 of the Charter. His delegation welcomed the adoption of resolution 50/51, as well as the content of the Secretary-General's report (A/51/317), which tended in the same direction. It was also gratifying that the Secretariat intended to provide better information and early assessments for the Security Council about the actual or potential effects of sanctions on third States and to develop a uniform methodology for determining, in any situation, the modalities of the necessary assistance. Account should be taken of the possible long-term effects of sanctions on third States, and the analysis of direct and indirect effects of sanctions contained in the Secretary-General's report was highly relevant. There was also a need for improved consultations between third States, the Security Council and donors, even before sanctions were imposed. The working paper presented by the Russian Federation could also be of considerable use in the consideration of the question.

42. In the area of the maintenance of international peace and security, the proposal presented by the Libyan Arab Jamahiriya contained a number of interesting ideas on which Member States could comment when discussing the strengthening of the role of the United Nations.

43. Regarding the peaceful settlement of disputes between States, his delegation was still not convinced of the usefulness of the service proposed by Sierra Leone.

44. As for the Special Committee's future work programme, the working paper submitted by the Russian Federation deserved careful consideration. Lastly, the efficiency and credibility of the Special Committee should be enhanced so that it could contribute to the process of reforming the Organization.

45. Ms. RONEN (Israel), referring to the proposal submitted by Sierra Leone for the establishment of a dispute settlement service, questioned the usefulness of a new service, in the light of the numerous existing international legal instruments relating to the issue.

46. As for the draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts, her delegation believed that the time had come for the formulation of principles to guide the operation of such mechanisms, although it was yet to be determined how that objective should be achieved. Such mechanisms must be sufficiently flexible to be adapted to the particularities of each conflict. The list of United Nations mechanisms to which the basic principles applied should be exhaustive, in order to provide clarity, and it should be made clear that they applied only to international crises and conflicts and not to internal conflicts. It was also important that the parties concerned should consent to the implementation of a peacekeeping mechanism.

47. Regarding the future of the Trusteeship Council, her delegation believed that the Council should not be abolished, nor would it be opportune to alter its mandate at the current stage. The Council might renew its activity, and moreover its abolition would entail amending the Charter, an unnecessarily cumbersome procedure.

48. It was essential that the provisions of the Charter should be implemented. However, the principle of the sovereign equality of Member States was not being honoured. Israel, the only State which belonged to no regional group, was not represented on a number of organs and subsidiary bodies, including the Economic and Social Council. It was likewise unable to participate in or contribute to the work of specialized bodies established by the United Nations. Israelis could be elected only in those cases where elections were not dependent on the regional group system.

49. In the future work of the Special Committee, it would be preferable to give substance to the principles of the sovereign equality of States and the universality of the United Nations by setting up new systems of representation on the various organs and bodies.

50. Mr. NGUYEN DUY CHIEN (Viet Nam) said that the continuing relevance of the issue of assistance to third States affected by the application of sanctions was due to the fact that case-by-case measures had not been commensurate to the gravity of the problems facing those States. The adoption of resolution 50/51, while a step in the right direction, was only a starting point. His delegation therefore supported the establishment of a working group within the Sixth Committee to discuss the matter further.

51. The Special Committee should play a more active part in the process of reforming the United Nations, instead of restricting itself to an observer role. By virtue of its mandate and open-ended composition it was well placed to contribute to the reform of the Organization by strengthening the role of the General Assembly, increasing the membership of the Security Council in the interest of developing countries in accordance with the principle of the sovereign equality of Member States, and improving the Council's procedures and working methods.

52. The Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council were extremely useful publications, which should be published on schedule despite the financial difficulties of the United Nations.

53. Ms. FERNANDEZ de GURMENDI (Argentina) said that the orientation of the Special Committee's future work and its working methods must be given careful consideration. Although it had made a very important contribution, it was clear that it was experiencing a serious crisis brought about, if not worsened, by the fact that the most important aspects of the reform and modernization of the United Nations were being discussed in other bodies, resulting in a marginalization of the Committee. Member States must recognize that problem to enable appropriate measures to be taken; the status quo was unacceptable.

54. Since Member States were mostly in favour of the continued existence of the Special Committee, efforts should be made to improve its effectiveness. First of all, more attention should be given to its work programme, to avoid submitting to it too many issues of varying relevance, leading to initiatives that went nowhere. The sessions should be shorter and focus on a limited number of questions. The reduction of its previous session to two weeks was a step in the right direction. Lastly, in the light of its legal vocation, the Special Committee should preferably turn its attention to matters having clear and significant implications in the legal field.

55. In her delegation's view, the question related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter and the basic principles and criteria relating to peacekeeping operations were interesting and should be given further consideration.

56. On the other hand, she had reservations concerning the proposals to abolish the Trusteeship Council or amend its mandate. Indeed, it would be pointless to get involved in a complex venture to amend the Charter in order to abolish a body which did not consume resources and whose name alone symbolized the Organization's achievements in the area of decolonization. Moreover, amending the Trusteeship Council's mandate would be tantamount to abolishing the current body and establishing a new one, which would also require the amendment of the Charter. At a time when the Organization was trying to streamline its structures, the usefulness of such a venture was questionable.

57. The Mexican delegation's proposal to study means of revitalizing the role of the International Court of Justice as the principal judicial organ of the Organization was very interesting, and her delegation was prepared to consider any concrete proposals to that end.

58. Mrs. KALEMA (Uganda) said that the continuing changes in international relations made it necessary to restructure the United Nations and revitalize its bodies. There was no need to emphasize the importance of the ongoing debate on the expansion of the Security Council, its working methods and relations with the General Assembly. In her delegation's view, the reform of the Security Council should aim at achieving greater transparency in its method of work, more democratic decision-making, and at ensuring that the Council's composition truly

reflected the increased membership of the Organization. The Special Committee's contribution towards achieving that goal was therefore commendable.

59. Concerning the question of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, she believed that General Assembly resolution 50/51, which inter alia covered consultations between the Security Council and affected third States, the early assessments of sanctions before their imposition and the role of international financial institutions, was a step in the right direction. However, the modality of those arrangements should be elaborated further. She still believed that the establishment of a special mechanism, such as a trust fund, which had been discussed at the 1995 regular session of the General Assembly, should not be abandoned completely but, rather, should be analysed further and refined.

60. In her delegation's view, the Trusteeship Council should not be given a new mandate because that might result in duplication of activities already being carried out by other United Nations bodies. Since the Trusteeship Council did not cost anything to the Organization, it might be wise not to take a drastic decision and to continue to give careful consideration to the issue.

61. The Sierra Leonean delegation's proposal entitled "Establishment of a dispute settlement service offering or responding with its services early in disputes" merited further consideration.

62. The publication of the Repertory of Practice of United Nations Organs and of the Repertoire of the Practice of the Security Council should be continued. Efforts to overcome the Secretariat's budgetary constraints should therefore be given serious consideration.

63. Mr. MASUKU (Swaziland) said his delegation remained convinced that the United Nations represented the most appropriate forum for the maintenance of international peace and security and the peaceful settlement of disputes. Concerning economic sanctions imposed under Chapter VII of the Charter, there must be extreme flexibility if such sanctions were to be applied swiftly and effectively. In that regard, he was therefore satisfied with the provisions of resolution 50/51.

64. The proposal submitted by the Sierra Leonean delegation concerning the establishment of a dispute settlement service incorporated the concept of consent between parties to a dispute and its practicability deserved careful consideration.

65. Concerning the Trusteeship Council, his delegation was in favour of maintaining the status quo, since any attempt to alter the role of that body would have both a legal and a political impact on the Charter.

66. Swaziland attached great significance to the publication of the Repertory of Practice of United Nations Organs and of the Repertoire of the Practice of the Security Council, as such publications could be of assistance not only to

the States and the Secretariat, but also to those interested in research on the activities of the Organization.

67. In his view, the Special Committee, as the body with legal expertise, should work closely with the various working groups considering the reform of the Organization.

68. Mr. RI (Democratic People's Republic of Korea) said that, in his view, the reform of the United Nations should focus on strengthening the powers of the General Assembly, the supreme body of the Organization, within which all Member States would be represented on an equal footing. It was therefore crucial to invest the Assembly with powers that enabled it to consider questions relating to international peace and security and to the peaceful settlement of disputes within the framework of a mechanism under which it would approve all decisions concerning the use of force or the imposition of sanctions by the Security Council. Thus, such decisions would fully reflect the wishes of all Member States.

69. Moreover, Member States were unanimously in favour of the expansion of the Security Council and the improvement of its functioning. Indeed, developing countries, which constituted the majority of Member States, must be duly represented within that body. In that regard, his delegation wished to propose the expansion of its membership through the creation of 10 additional seats, which would go to African, Asian and Latin American States in particular. Such a solution would correct the current imbalance in the Council's composition. However, no permanent seat should be allocated to Japan, which, instead of recognizing its guilt and granting reparations to its victims, had been trying for 50 years to justify its past crimes.

70. The reform of the Security Council should be accompanied by greater transparency in the Council's meetings, which must be open to all Member States, with closed negotiations and consultations being limited to procedural questions.

71. Mr. WELBERTS (Germany) endorsed the statement made by the representative of Ireland on behalf of the European Union on the implementation of the provisions of the Charter concerning assistance to third States affected by the application of sanctions under Chapter VII, and on the status of the Repertory of Practice of United Nations Organs and of the Repertoire of the Practice of the Security Council. Concerning the latter issues, Germany was considering the possibility of assigning junior jurists to the Secretariat in order to help it to reduce the backlog relating to the publication of the Repertoire of the Practice of the Security Council. His delegation hoped that such an initiative could be approved by the other Member States.

72. The Legal Counsel's explanation on the status of the Repertory of Practice of United Nations Organs seemed to indicate that even if additional resources were allocated to the Secretariat, they might not necessarily be used to publish the Repertory. That was why, while acknowledging that the question of the Repertory of Practice of United Nations Organs was more difficult to tackle than that of the Repertoire of the Practice of the Security Council, partly because more than one department was involved in the preparation of the former

publication, his delegation appealed to the Secretariat to give it the necessary attention and to consider innovative means for updating it. His delegation was ready to participate in a more detailed discussion with the Legal Counsel on that issue.

73. Concerning the future role of the Special Committee, his delegation favoured neither its abolition nor extensive discussions thereon. Germany was striving to contribute a pragmatic answer to a debate which, in its view, had already taken on too many ideological undertones. In any case, it was premature to consider the abolition of the Special Committee because, while the core issues of the reform process were being discussed in the different working groups established by the General Assembly, it was impossible to predict today which new issues might come up in the future. That was why his delegation endorsed the argument put forward by some delegations in the Special Committee and in the Sixth Committee, that the Special Committee should remain the only body for the discussion of issues related to the Charter after those working groups had been disbanded.

74. That in itself was reason enough for the continued existence of the Special Committee. Nevertheless, the temptation to hunt for issues to submit to it for consideration must be resisted. Besides, the working groups might, in the course of their activities, wish to refer to it questions of a legal nature.

75. As to the future organization of the Special Committee's work, his delegation wished to appeal once again for pragmatism. Indeed, in the current period of financial crisis, it was in the Special Committee's interest to slim down. Without wishing to make the duration of the Special Committee's sessions a point of principle, his delegation continued to favour annual sessions, since biennial sessions would lack regularity and would thus be tantamount to abolition. Nevertheless, the dates and timetable for those sessions should be worked out in accordance with the number of questions to be considered. In other words, his delegation agreed with the view that the Special Committee should be given more time.

76. Mr. PACE (Malta) expressed his delegation's support for the statement on the report of the Special Committee made by the representative of Ireland on behalf of the European Union and associated States. He welcomed the emphasis placed on the practical measures contained in resolution 50/51 on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions and the measures taken recently by the sanctions committees to enhance the transparency of their working methods. The Secretary-General's proposals for follow-up action, including consultations with experts from financial and trade institutions, would surely help to identify the areas in which that assistance could be effectively concentrated and, by consequence, alleviate the impact of sanctions on third States. The importance accorded by the European Union to the assistance programmes was both encouraging and commendable.

77. With regard to the future of the Trusteeship Council, there was a divergence of views between those who advocated its abolition, those in favour of the status quo and those who maintained that the role of the Council should

be reviewed. The issue required reflection, since it affected the institutional balance of the Organization, and whatever decision was taken would have an irreversible effect on the principles which inspired the Organization and by which it should be guided. It was essential, therefore, to reflect upon the consequences and implications of any line of action on the Charter and hence on the Organization and the principles on which it was based. Moreover, ideas, like consensus, needed time to develop.

78. That being the case, his delegation believed that the Sixth Committee should limit itself to noting the parts of the report of the Special Committee dealing with the Trusteeship Council and the wide range of views on that question. Further reflection was required rather than an immediate decision.

79. Mr. RAO (India), speaking on a point of order, asked the Chairman whether consideration of the agenda item concerning measures to eliminate international terrorism could be postponed, since the main document on that question, which should have been issued on 30 September 1996, was still not available to delegations. Of course, the Chairman's decision would not necessarily alter the procedure adopted for the purposes of the discussion. If the current timetable was not revised, it would be difficult for his delegation to examine the document in question in time to be able to comment on the item.

80. The CHAIRMAN said that, while he agreed with the representative of India that there was no need to modify the procedure for discussion of the agenda item, he would wait to see whether the Secretariat was able to issue the document in question within the time initially envisaged before making a decision.

81. Ms. SEMGURUKA (United Republic of Tanzania) noted with satisfaction the consensus among States that sanctions did adversely affect third States and that there was a need to address the issue concretely. The time had come for the Special Committee to focus on a specific mechanism to help those States. However, with regard to the various proposals as to how the problem might best be solved, her delegation could not endorse the suggestion that responsibility for providing that assistance should be shared by various United Nations organs and financial institutions. While not entirely ruling out such an approach, she feared that it might adversely affect the development cooperation which third States, as States Members of the United Nations, were normally entitled to expect from those institutions.

82. Her delegation also noted the proposal to establish a permanent mechanism which would respond rapidly to the needs of third States affected by the application of sanctions and was prepared to consider it further. She commended the efforts being made to consult with those States and expressed the hope that the practice would be strengthened. However, the option of organizing prior consultations and studies of the effects of sanctions before their imposition should be considered with caution in order not to undermine the effectiveness of the sanctions on the targeted State.

83. With regard to the proposal by the Russian Federation on assistance to third States affected by sanctions, some elements, concerning the human aspects

of sanctions and their impact on the civilian population, merited further consideration.

84. As to the future role of the Trusteeship Council, her delegation continued to hold a flexible position and would follow the debate on that question with keen interest.

85. With regard to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, her delegation noted the difficulties encountered by the Secretariat and hoped that it would continue to do everything within its power to update those documents using the available resources.

86. Her delegation had noted the various proposals made regarding the questions for consideration in the future work of the Special Committee, including the draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts submitted by the Russian Federation, and looked forward to examining them in greater detail, as well as the questions concerning the implementation of Articles 31, 44 and 109, paragraph 3, of the Charter and the enhancement of the role of the International Court of Justice, as requested in resolution 50/52, paragraph 4.

87. Lastly, while the fact that during the previous year the special working groups established by the General Assembly had examined in parallel with the Special Committee questions which traditionally fell within its mandate had led some to believe that the Special Committee had outlived its usefulness or that it should meet on a biennial basis and others to conclude that it should consult with those working groups in order to avoid duplication of work, her delegation considered that the Special Committee still had a role to play in the consideration of issues relating to the Charter of the United Nations and that it should, therefore, continue to meet annually.

88. Mrs. EKEMEZIE (Nigeria) said there was no doubt that the activities of the working groups established to consider the reform of the United Nations system had had a considerable impact on the mandate of the Special Committee and were therefore of relevance to it. The Special Committee could not remain a bystander, nor could it be relegated to the background in the efforts to revitalize the United Nations and its organs. Without wishing to undervalue the achievements of the working groups, her delegation considered it necessary to involve the Special Committee in those efforts in order to help the Organization to fulfil its mandate under the Charter regarding the maintenance of international peace and security.

89. With regard to assistance to third States affected by the application of sanctions imposed under Chapter VII of the Charter, it was clear that the status quo was completely unacceptable and that there was a need to create a kind of permanent mechanism able to respond to the needs and requests of States suffering the effects of such sanctions. Far from being a punitive measure, sanctions were intended, in principle, to modify the behaviour of target States and should therefore be used sparingly when they were necessary. In that

connection, her delegation urged that the recommendations of the Secretary-General on that question be given further consideration. While resolution 50/51 was a good start, it was in no way a panacea.

90. Lastly, her delegation hoped that the Special Committee would be able, in its next session, to consider some of the proposals on its agenda concerning the maintenance of international peace and security and the peaceful settlement of disputes between States.

The meeting rose at 5.25 p.m.